

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

Application of Associated Network Partners, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold Intrastate Interexchange Telecommunications Services and for Alternative Regulation of its Interexchange Service Offerings

COVER SHEET

DOCKET
NUMBER: 2010 - - C

(Please type or print)

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition**

☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:**

INDUSTRY (Check one)

NATURE OF ACTION (Check all that apply)

- ☐ Electric
- ☐ Electric/Gas
- ☐ Electric/Telecommunications
- ☐ Electric/Water
- ☐ Electric/Water/Telecom.
- ☐ Electric/Water/Sewer
- ☐ Gas
- ☐ Railroad
- ☐ Sewer
- ☐ Telecommunications
- ☐ Transportation
- ☐ Water
- ☐ Water/Sewer
- ☐ Administrative Matter
- ☐ Other:

- ☐ Affidavit
- ☐ Agreement
- ☐ Answer
- ☐ Appellate Review
- ☐ Application
- ☐ Brief
- ☐ Certificate
- ☐ Comments
- ☐ Complaint
- ☐ Consent Order
- ☐ Discovery
- ☐ Exhibit
- ☐ Expedited Consideration
- ☐ Interconnection Agreement
- ☐ Interconnection Amendment
- ☐ Late-Filed Exhibit

- ☐ Letter
- ☐ Memorandum
- ☒ Motion
- ☐ Objection
- ☐ Petition
- ☐ Petition for Reconsideration
- ☐ Petition for Rulemaking
- ☐ Petition for Rule to Show Cause
- ☐ Petition to Intervene
- ☐ Petition to Intervene Out of Time
- ☐ Prefiled Testimony
- ☐ Promotion
- ☐ Proposed Order
- ☐ Protest
- ☐ Publisher's Affidavit
- ☐ Report

☐ Request

☐ Request for Certification

☐ Request for Investigation

☐ Resale Agreement

☐ Resale Amendment

☐ Reservation Letter

☐ Response

☐ Response to Discovery

☐ Return to Petition

☐ Stipulation

☐ Subpoena

☐ Tariff

☐ Other:

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2010-____-C

IN RE:

APPLICATION OF ASSOCIATED)
NETWORK PARTNERS, INC. FOR A)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY)
TO PROVIDE RESOLD INTRASTATE)
INTEREXCHANGE)
TELECOMMUNICATIONS)
SERVICES AND FOR)
ALTERNATIVE REGULATION OF)
ITS INTEREXCHANGE SERVICE)
OFFERINGS)

**MOTION FOR PROTECTIVE TREATMENT AND
BASIS FOR FILING EXHIBIT 4 AS TRADE SECRET**

Associated Network Partners, Inc. ("ANP" or "Applicant"), by counsel, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, S.C. Code Ann. Regs.103-804(S)(2), hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, ANP seeks protective treatment by the South Carolina Public Service Commission ("Commission") of certain commercially-sensitive financial information attached as **Exhibit 4**, filed as Trade Secret to ANP's Application for Authority to Provide Resold Intrastate Interexchange Telecommunications Services. Because this Motion is an inseparable part of ANP's Application, it is being filed concurrently therewith.

In support of its Motion, ANP respectfully submits as follows:

1. The legal name, address, and telephone of the Applicant are:

Associated Network Partners, Inc.
3130 Pleasant Run
Springfield, IL 62711
Telephone: (217) 862-1969

2. All correspondence, notices, inquiries, and other communications regarding this

Motion should be addressed to:

John J. Pringle, Jr.
Ellis, Lawhorne & Sims, P.A.
P.O. Box 2285
Columbia SC 29202
Telephone: (803) 343-1270
Facsimile: (803) 799-8479

I. Description of Confidential Information

The Application requires Applicant to disclose evidence of its financial ability to provide service by submitting documentation of its financial resources. Pursuant to this requirement, ANP is submitting copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which would result in direct, immediate and substantial harm to ANP's competitive position in South Carolina and in other states where ANP is currently doing business.

II. Grounds for Claim of Confidentiality

The financial information submitted by ANP in **Exhibit 4** of its Application fits squarely within the definition of a "trade secret" under the South Carolina Trade Secrets Act.¹ As a privately-held company, ANP's financial qualifications are not readily ascertainable. ANP currently has no legal obligation to prepare or submit projected financial statements, or to report any financial information to a public entity. Further, the unavailability of this information derives independent economic value for ANP because the disclosure of such information would

¹ A "trade secret" is defined in S.C. Code § 39-8-20(5)(a) as information that "(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public...and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

jeopardize ANP's relationship with its investors and harm ANP's ability to compete in the provision of advanced telecommunications services in South Carolina. ANP is not a public corporation and its financial and business information is uniquely sensitive.

ANP takes considerable efforts to maintain the secrecy of the information contained in its financial statements. Financial information of this type is not publicly disseminated, and ANP takes reasonable steps to guard this information internally as well. Its disclosure is limited to ANP's senior officers, ANP's counsel and employees of the company who are directly involved with ANP's financial operations. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped "confidential" and is accompanied by formal requests to maintain the confidentiality of the information and to withhold it from public disclosure.

ANP clarifies that its request for protection applies only to the financial information contained in **Exhibit 4** to the Application. ANP is not seeking protection of any type by means of this Motion for those reports ANP will be required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, or the Universal Service Fund Worksheet.

III. Conclusion

The financial information included in support of ANP's Application, for which confidential treatment is requested, is both proprietary and competitively sensitive. ANP would suffer substantial direct harm if such information is made publicly available. The harm that would result from public disclosure of ANP's financial information is real and not speculative. Moreover, to date, no other jurisdiction has required ANP to make its financial information publicly available. For the foregoing reasons, the financial information included in **Exhibit 4** should be protected from public disclosure by the Commission.

WHEREFORE, ANP respectfully requests that the information contained in **Exhibit 4** of ANP's Application for a Certificate of Public Convenience and Necessity be ruled exempt from public disclosure and provided confidential treatment in accordance with S.C. Code Ann. § 39-8-10, *et seq.*

Respectfully submitted,

ASSOCIATED NETWORK PARTNERS, INC.

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March 9, 2010
Columbia, South Carolina